

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

U.S. BANK NATIONAL ASSOCIATION,
SUCCESSOR TO WELLS FARGO BANK,
N.A., AS TRUSTEE FOR THE
REGISTERED HOLDERS OF GS
MORTGAGE SECURITIES CORPORATION
II, COMMERCIAL MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2007-
GG10,

Civil Action No. 2:17-cv-01520

Plaintiff,

v.

SONORA CROSSROADS PROPERTIES
LLC,

Defendant.

MOTION TO CONFIRM FORECLOSURE SALE AND TERMINATE RECEIVERSHIP

Plaintiff U.S. Bank National Association, successor to Wells Fargo Bank, N.A., as Trustee for the registered holders of GS Mortgage Securities Corporation II, Commercial Mortgage Pass-through Certificates, Series 2007-GG10 (“Plaintiff”), acting by and through C-III Asset Management, LLC, its Special Servicer, hereby moves to confirm the Receiver Sale (the “Sale”) conducted on September 28, 2018. In support thereof, Plaintiff respectfully states as follows:

1. Plaintiff is the holder of an Open-End Mortgage, Assignment of Rents, Security Agreement, and Fixture Filing (the “Mortgage”) given by Defendant Sonora Crossroads Properties LLC (“Defendant”), dated December 28, 2006 and effective as of March 27, 2007, and recorded on March 27, 2007 in the Allegheny County Department of Real Estate Office (the “Recorder’s Office”) as Instrument Number 2007-31951.

2. To further secure payment of the sums due under the Note, Defendant entered into that certain Assignment of Leases and Rents (the “Lease Assignment”), given by Defendant, dated March 27, 2007, and recorded on March 27, 2007 with the Recorder’s Office in Book DE, Volume 13185, Page 53, as Instrument Number 2007-8668.

3. To further secure payment of the sums due under the Note, Defendant provided a security interest in, *inter alia*, the buildings, structures, furniture, fixtures, and things on the Mortgaged Premises, together with other items and things more fully identified in those certain UCC-1 Financing Statements filed with the California Secretary of State on March 29, 2007 as Initial Financing Statement Number 07-7108212553, and recorded with the Recorder’s Office on March 27, 2007, in Book UCC, Volume 53, Page 70, and as Instrument 2007-67288.

4. The Mortgage, Assignment of Leases, and UCC-1 Financing Statements pledge as collateral the Defendant’s interest in that certain real estate located at 254 Yost Boulevard, Pittsburgh, Pennsylvania 15221 (Parcel ID: 0301-C-0102-0000-00) (the “Mortgaged Premises”), as more fully described in the Legal Description attached hereto as **Exhibit A**, together with the additional property, interests, and things granted by Defendant, as more fully described in the Mortgage foreclosed upon in the action, and more fully described in the Complaint (CM/ECF Doc. No. 1), together with the Assignment of Leases and UCC-1 Financing Statements (collectively with the Mortgaged Premises, the “Mortgaged Property”).

5. On September 28, 2018 at 11:00 a.m., the Court-appointed Receiver, CBRE, Inc., (*see* CM/ECF Doc. No. 13, Order of Court Appointing Receiver), conducted the Sale. Plaintiff was the successful bidder at the Sale with a credit bid in the amount of Four Million Three Hundred Thousand and 00/100 (\$4,300,000.00) (the “Bid”). Plaintiff was the only bidder at the Sale.

6. In advance of the Sale, Plaintiff advertised the Sale in The Pittsburgh Post-Gazette on August 29, 2018, September 6, 2018, September 14, 2018, and September 21, 2018. A true and correct copy of the Proof of Publication of Notice in The Pittsburgh Post-Gazette is attached hereto as **Exhibit B**. Plaintiff also advertised the Sale in the Pittsburgh Legal Journal on August 29, 2018, September 6, 2018, September 14, 2018, and September 21, 2018. The Proof of Advertising from the Pittsburgh Legal Journal has not yet been provided by the Pittsburgh Legal Journal.

7. In advance of the Sale, and specifically on August 27, 2018, Defendant and other parties with interests in the Property were served with Notice of the Sale (the “Sale Notice”) in the form attached hereto as **Exhibit C**. A Sworn Statement pursuant to Pennsylvania Rule of Civil Procedure 3129 evidencing service of the Sale Notice is attached hereto as **Exhibit D**.

8. Plaintiff’s Bid at the Sale was a credit bid and, accordingly, a Schedule of Distribution will not be filed.

9. Confirmation of the Sale and entry of the Order Confirming Foreclosure Sale and Terminating Receivership will allow the Receiver to execute a Deed, Bill of Sale, and Assignment of Claims to Plaintiff or its assignee and will also allow for the termination of the receivership commenced by the Order of Court Appointing Receiver.

WHEREFORE, Plaintiff U.S. Bank National Association, successor to Wells Fargo Bank, N.A., as Trustee for the registered holders of GS Mortgage Securities Corporation II, Commercial Mortgage Pass-through Certificates, Series 2007-GG10, respectfully requests that this Honorable Court grant its Motion to Confirm Foreclosure Sale and Terminate Receivership, and enter the attached Proposed Order Confirming Foreclosure Sale and Terminating Receivership.

DINSMORE & SHOHL LLP

Dated: October 8, 2018

/s/ Nicholas J. Godfrey

Nicholas J. Godfrey, Esq.

Pa. I.D. No. 312031

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Of Counsel to Plaintiff

CERTIFICATE OF SERVICE

I, Nicholas J. Godfrey, hereby certify that a true and correct copy of the foregoing Motion to Confirm Foreclosure Sale and Terminate Receivership was filed Court using the Court's CM/ECF System and that the same was served upon the following via U.S. Mail, First Class, addressed as follows:

Sonora Crossroads Properties, LLC
c/o CT Corporation Systems
600 North 2nd Street, Suite 401
Harrisburg, PA 17102

Sonora Crossroads Properties, LLC
c/o CT Corporation Systems
401 Liberty Avenue
Pittsburgh, PA 15222

Sonora Crossroads Properties, LLC
1401 Quail Street, Suite 105
Newport Beach, CA 92660

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/s/ Nicholas J. Godfrey
Nicholas J. Godfrey, Esq.